

### REMARKS/ARGUMENTS

The claim amendments presented above add nine new claims, cancel nine claims and amend twelve claims. The new claims have been offered to more completely claim the invention. Consequently, it is believed that this filing has not generated any additional PTO claim fees. If it is determined, however, that additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 19-2260 in the amount of such fees.

Sections 2 and 3 of the Office Action reject claims 1-28 under 35 U.S.C. §101. Specifically, claims 1 and 26-28 have been rejected as being directed to non-statutory subject matter. Claims 1 and 26-28 have been amended in the manner suggested by the examiner. Consequently, it is requested that the rejection under 35 U.S.C. §101 be withdrawn.

Sections 4 and 5 of the Office Action reject claims 1-28 under 35 U.S.C. §112. Specifically, the rejection of claims 1, 13, 20, 21 and 28 is centered on the clarity of the term "any action." The cited claims have been amended to improve clarity. The rejection of claims 17 and 18 is centered on the clarity of the term "aI." Claims 17 and 18 have been canceled. The rejection of claims 19 and 22 through 27 is centered on the clarity of the term "inactive." The cited claims have been amended to improve clarity. Consequently, it is requested that the 35 U.S.C. §112 rejections be withdrawn.

Sections 6 through 27 of the Office Action reject claims 1-28 under 35 U.S.C. §103(a) as being obvious over Jensen et al., U.S. Patent No. 6,587,937, in view of Dent,

U.S. Patent No. 6,438,557. Applicants offer the following remarks regarding the §103(a) rejections.

Regarding the rejections of claims 1, 13 and 20-28 expressed in sections 8, 9, 10, 18 and 20 through 27 of the Office Action, Applicants' position is that the cited combination of Jensen et al. and Dent does not teach the invention of the pending claims. For example, there are significant differences between the system taught in Dent and the invention of the pending claims. Consequently, Applicants request that the rejections based on this combination be withdrawn.

The pending claims deal with virtual machines. Dent's teachings, however, are limited to application programs as opposed to virtual machines. This difference is significant since the pending claims include several requirements related to the virtual machines that conflict with the teachings of Dent. Combining Dent with a reference related to virtual machines (Jensen et al.) does not overcome these difficulties. Dent's disclosure will not translate into a virtual machine environment.

First, for example, the pending claims include a determination as to whether a given virtual machine will be inactive. Second, for example, the virtual machine of the pending claims is one of a plurality of virtual machines. Third, the virtual machine of the pending claims is assigned a partition from a plurality of established partitions of processor time (or is scheduled via a virtual machine schedule as in claims 24 through 27). In addition, the virtual machine of the pending claims runs in a deterministic fashion during an assigned partition of processor time (or at a scheduled activation time).

In contrast to the pending claims, Dent deals only with application programs. Further, the application programs of Dent are not each assigned to an established partition

of processor time. Rather, in Dent an application program is given a priority and the program with the highest priority is the program that is run. The highest priority program is run until execution of that program is completed and its status is changed to inactive (see col. 5, lines 12-32) or until a different program is given a higher priority (col. 5, lines 33-40). Thus, the application programs of Dent, and the management of those application programs, differs significantly from the virtual machines of pending claim 1. The system of Dent is not as deterministic as the virtual machines of the claims in the sense, for example, that their operation is not limited to the established boundaries of a partition of processor time.

Regarding the rejection of claim 4 in section 12 of the Office Action, Dent does not disclose the assignment of a virtual machine to an established partition of processor time. The cited passage in Dent, lines 24-32 of col. 5, merely selects the highest priority program, it does not assign a virtual machine to an established partition of processor time.

Regarding the rejection of claims 6 and 9 in sections 14 and 16 of the Office Action, in addition to the important virtual machine distinctions stated above in regard to the rejection of claim 1, Dent also does not teach a reduced power mode during a partition of processor time. Further, as stated several times in the specification (col. 5, lines 41-45; col. 7, lines 34-40; col. 8, lines 9-17, lines 43-51, and lines 59-66; col. 9, lines 25-31, for example), Dent only goes into a reduced power mode when all of its application programs are deemed to be inactive. Dent has no provision for a power down when less than all programs are inactive. Thus, Dent can even be said to teach away from the invention of the cited claims. These arguments are also applicable to the rejections of claims 13, 20, 23, 24, 26 and 28.

Regarding the rejection of claims 10 through 12 in section 17 of the Office Action, in addition to the important virtual machine distinctions stated above in regard to the rejection of claim 1, Dent does not teach the reassigning of established partitions of processor time. Further, Dent does not teach the reassigning of such a partition to a virtual machine.

In addition, regarding claims 11 and 12, Dent does not teach such procedures. Even in Dent's non-virtual machine environment, its execution of application programs is governed by their relative priorities rather than by which partition is scheduled to be activated at the expiration of an established time period. The arguments concerning the rejections of claims 10 through 12 are also applicable to the rejections of claims 19, 21, 22, 25 and 27.


Regarding the rejection stated in section 21 of the Office Action, the cited passages of Dent (col. 2, lines 33-6 and col. 4, lines 66-67) do not refer to partitions, virtual machines or their reassignment. The cited passages refer only to the setting of a status bit. The execution of the application programs of Dent is governed by their relative priorities.

Applicants believe that the above remarks fully address the issues and rejections raised in the Office Action and establish that the pending claims are allowable over the stated rejections. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested.

Respectfully Submitted,

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Date

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